

SERVICE DATE – JULY 31, 2017

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 1254X**  
**Winamac Southern Railway Company – Abandonment Exemption –**  
**in Kokomo, Howard County, Ind.**

**Docket No. AB 1255X**  
**US Rail Holdings, LLC – Abandonment Exemption –**  
**in Kokomo, Howard County, Ind.**

**BACKGROUND**

In this proceeding, the Winamac Southern Railway Company (WSRY) and US Rail Holdings, LLC (USRH) (collectively, Applicants) jointly filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Howard County, Indiana. The rail line proposed for abandonment extends approximately 2.38 miles in the City of Kokomo (City) from Milepost 181.26 at Webster Street to Milepost 183.64 at Defenbaugh Street (the line). The line is commonly referred to as the Russiaville Line. Maps depicting the line in relationship to the area served are appended to this Environmental Assessment (EA). If the notice becomes effective, Applicants will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

Applicants submitted an Environmental Report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. Applicants served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

The Central Railroad Company of Indianapolis (CERA) purchased the line from the Norfolk Southern Railway Company in 2002. In 2009, CERA obtained an exemption from the

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<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB 1254X and AB 1255X.

Board for abandonment of the line and WSRV and USRH jointly filed an offer of financial assistance (OFA) to purchase it. On June 11, 2009, the Board authorized WSRV and USRH jointly to acquire the Russiaville Line pursuant to an agreement with CERA reached during the OFA process.

The line begins at Milepost 183.64 at Defenbaugh Street and runs northeast crossing Wildcat Creek at Milepost 183.09. Continuing northeast, the line crosses Markland Street and runs parallel to Shambaugh Run. The line continues northeast, crossing Sycamore Street and Jefferson Street, terminating at Milepost 181.26 at Webster Street.

The line is located in an area of little economic growth where industrial development is unlikely to occur. The proposed abandonment would result in the elimination of 18 public and 3 private road crossings. There is one open deck plate girder bridge on the line over Wildcat Creek at milepost 183.09. Applicants do not plan to alter, remove, or dispose of the bridge. Applicants are unaware of archeological resources or other railroad related historic properties in the project area.

Applicants do not believe that the line contains any federally-granted rights-of-way. The right-of-way, which varies in width, is appropriate for use as a recreational trail and Applicants are agreeable to converting the line to interim trail use/railbanking. The City has expressed interest in using the abandoned corridor for trail purposes. Applicants will work with the City to develop that possibility. In Applicants' opinion, it is unlikely that the right-of-way would be appropriate for other public uses.

### ***Diversion of Traffic***

According to Applicants, no local traffic has moved over the line since September 2006 and there is no overhead traffic to be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

### ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

Applicants indicate that abandonment of the line would result in the removal of the rail, crossties, and possibly the upper layer of ballast. Upon receiving abandonment authority, salvage activities would be conducted using the existing right-of-way for access, along with existing

public and private crossings. No new access roads are contemplated. Applicants do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. Crossties and debris would be transported away from the line and would not be discarded along the right-of-way or be placed or left in streams, wetlands, or along the banks of such waterways.

Applicants do not anticipate that existing regional or local transportation systems or patterns would be affected by the proposed abandonment, nor do they foresee any inconsistency with regional and/or local land use plans. Applicants state that no known hazardous waste sites or sites where there have been known hazardous material spills are located in or adjacent to the right-of-way.

The line is located in an urban area. The U.S. Department of Agriculture, Natural Resources Conservation Service in Indianapolis has indicated that the proposed abandonment would not cause a conversion of prime farmland.

The line is not located within a designated Coastal Zone Management Area. No wetlands or 100-year flood plains would be affected by the proposed abandonment. According to Applicants, activities related to the proposed abandonment would be consistent with applicable water quality standards and no permits under Sections 402 or 404 of the Clean Water Act would be required.

No wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment. Salvage activities related to the proposed abandonment would not adversely affect endangered and threatened species or areas designated as a critical habitat.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts

## **HISTORIC REVIEW**

Applicants submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Indiana Department of Natural Resources (SHPO) pursuant to 49 C.F.R. § 1105.8(c). Based upon the documentation available, the SHPO has not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places (National Register) within the probable area

of potential effects.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

The SHPO indicates that no known archaeological resources eligible for inclusion in the National Register have been recorded within the proposed project area. No archaeological investigations appear necessary provided that all project activities remain within areas disturbed by previous construction. Archaeological deposits can exist underneath the right-of-way. The SHPO states that if any prehistoric or historic archaeological artifacts or human remains are uncovered during salvage activities, state law requires that the discovery be reported to the SHPO. To address the SHPO's concerns, OEA recommends a condition requiring that, in the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during Applicants' salvage activities, Applicants will immediately cease all work and notify OEA and the SHPO pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, Applicants, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.<sup>2</sup> The database indicated that one federally-recognized tribe may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment. That tribe is the Miami Tribe of Oklahoma. OEA is sending a copy of this EA to the Miami Tribe of Oklahoma for review and comment.

## **CONDITIONS**

OEA recommends that the following environmental condition be imposed on any decision granting abandonment authority:

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the Winamac Southern Railway Company and US Rail Holdings, LLC's (Applicants') salvage activities, the Applicants shall immediately cease all work and notify the Office of Environmental Analysis (OEA) and

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<sup>2</sup> Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited July 24, 2017).

the Indiana Department of Natural Resources (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the

attention of Kenneth Blodgett, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1254X and AB 1255X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at [Kenneth.Blodgett@stb.gov](mailto:Kenneth.Blodgett@stb.gov).

Date made available to the public: July 31, 2017.

**Comment due date: August 15, 2017.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment